

Exhibit 133

Permit

Permit 2002.002 authorizes West Point Marina and Mark Sanders to construct a phased project consisting of a marina (phase 1), a boatyard (phase 2) and a commercial area (phase 3).

Permit requires a public access connection between Pacific Shores property and the marina to public access pathways located around the perimeter of the marina basin with spur trails, lookouts and belvederes and the usual seating, signage, public shore parking and irrigated landscaping.

Violations

1. The first phase of PA is due at the time of marina occupancy, which occurred in 2006 or 2008. To date, while much of the PA has been constructed, the connection to PS is not open nor is any public shore signage posted, no is there any access allowed on the guest berth docks. Furthermore, members of the public are "greeted" by the property owner or his staff and harassed to leave the site. In fact, this is how the violation came to our attention.
2. The project has been constructed largely absent plan approval.
3. The project has not been constructed consistent with the permit though we are - or were - willing to amend the permit to retroactively authorize the as-built conditions.
4. There are a number of other paper violations.

• Harassment
• Site construction
• Safety
• Bldg it himself

Efforts to Resolve Violations

1. Permit issued in 2002 and executed (twice) soon thereafter. Permit execution is permittee's commitment to the 'contract' and its terms and conditions. Marina was built and occupied sometime in 2006 or 2008.
2. On 5/4/11, staff sent a "35-day enforcement" letter for 10 or so permit violations. While a few of those violations have been resolved, the majority remain unresolved and have accrued a fine of \$30K.
3. Between May/11 and Oct/11, Sanders responds with a counter attack of four memos outlining permit errors.
4. On 9/1/11, staff sends a 10-page letter negating Sanders' defenses.
5. During all of 2011 and 2012, Ellen assists both of Sanders' landscape architects to obtain plan approval. Many meetings, emails, conversations. Time lost when first LA resigns from job. Between 3/9/12 and 6/7/12, EM and AK have four meetings with new landscape architects to generate a set of plans for the public access that are consistent with the permit. We get SO close to having a complete set of as-built plans and plans for the upcoming public access improvements and then Sanders releases/fires the firm or they quit b/c he hasn't paid them.
6. Between 9/9/12 and 9/4/14, staff issues FOUR versions of the same amendment. The first four were each rejected with a multi-page-long list of




so-called errors and corrections. Each time, staff accommodated Mr. Sanders in most but not all of his requests. Arguably, we stretched the limit of what you can do administratively as we may have reduced the public benefits.

7. On June 6, 2013, Brad sent a cover letter with Version 3 of the amendment that said sign "or else". We didn't pursue "or else".
8. On August 21, 2013, we had a meeting to figure out how to move forward. They allege that our permit conditions are unconstitutional. Sanders tells Brad he will not sign an amendment until we release him from all fines.
9. On 9/4/14, we issued Version 4 of the permit.
10. On 9/14/15, we issued Version 5 of the permit. Not yet signed.
11. Former lawyer passed away. New lawyer retained.

Next Move - Options and Recommendation

1. Meet with lawyer and Sanders. Give drop dead date to sign permit
2. Settlement Agreement. What are the terms?
- ③ Violation Report (i.e. formal enforcement proceeding) leading to a cease and desist and civil penalty order and/or a permit revocation order?
4. Executive Director Cease and Desist Order - force signs to go up, *Represents DMB, Wind River Jimmetti*
5. Take Amt 5 off of table.

DES third architect

 Open Space Agreement

P.A. on docks - claims he cannot get liability insurance

Has a permit 2002.002.03

Amt 5 is nothing 2002.002.05.

authorization expires but the requirements 2 pl. last.

Erik - he asky for a formal enl. proceeding